



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 8 जुलाई, 2005/17 आषाढ़, 1927

हिमाचल प्रदेश सरकार

उद्योग विभाग

अधिसूचना

शिमला-2, 23 जून, 2005

संख्या उद्योग-II (एफ) 6-6/2004.—हिमाचल प्रदेश के राज्यपाल, खान और खनिज (विकास और विनियमन) अधिनियम, 1957 की धारा 15 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, दी हिमाचल प्रदेश माईनर मिनरल्ज (कन्सेशन) रिवाइज्ड रूलज, 1971, जिन्हें इस विभाग की अधिसूचना संख्या 13-3/70-एस० ई०, तारीख 13 अप्रैल, 1971 द्वारा राजपत्र, हिमाचल प्रदेश असाधारण, तारीख 5 मई, 1971 में प्रकाशित किया गया था, का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. संक्षिप्त नाम. इन नियमों का संक्षिप्त नाम दी हिमाचल प्रदेश माईनर मिनरल्ज (कन्सेशन) रिवाइज्ड (अमैंडमेंट) रूलज, 2005 है।

2. नियम 21 का संशोधन.—दी हिमाचल प्रदेश माईनर मिनरल्ज (कन्सेशन) रिवाइज्ड रूलज, 1971 (जिसे इसमें इसके पश्चात् “उक्त नियम” कहा गया है) के नियम 21 में, उप-नियम (2) के पश्चात्, निम्नलिखित उप-नियम अंतःस्थापित किए जाएंगे, अर्थात्:—

“(2-A) No mechanical mining through mechanical excavator including any other earth moving machines like JCB, Buldozer, Pocklain, Loaders etc. shall be

carried out in River or Stream Bed by the lease holder or permit holder or contractor, as the case may be :

Provided that where, in the interest of mineral development, scientific mining, eco-system and public, if it is felt that permission for mechanical excavation of minerals from the River or Stream Bed is necessary, the Director after having been satisfied that mechanical excavation of minerals shall not hamper the eco-system of the area, by recording the reasons in writing, may grant by an order, such permission on certain conditions as he deems fit. Lessee or contractor or permit holder, as the case may be, seeking such permission shall deposit a sum of Rupees 50,000/- (fifty thousands) as security. Any violation of terms and conditions imposed while granting such permission shall result in forfeiture of security.

(2-B) The Power Project Companies or promoters as the case may be, shall not carry out any mining activity in the project areas falling in River or Stream Bed. Each project seeking mineral concession shall identify captive mining area different from the Project area falling in the River or Stream Bed for which mineral concessions after observing all codal formalities shall be granted. Each Power Project shall be liable to pay royalty for the use of various kinds of minerals as may be fixed by the Government from time to time :

Provided that in the exceptionally inevitable situations where such Projects require extraction of sand from the River or Stream Bed falling in Project area mineral concessions shall be granted with the prior approval of Government only."

3. नियम 26 का संशोधन. उक्त नियमों के नियम 26 में, उप-नियम (बी) में, खण्ड (12) के पक्ष में निम्नलिखित खण्ड जोड़े जाएंगे, अर्थात् :

"(13) No mechanical mining through mechanical excavator including any other earth moving machines like JCB, Bulldozer, Pocklain, Loaders etc. shall be carried out in River or Stream Bed by the lease holder or permit holder or contractor, as the case may be :

Provided that where, in the interest of mineral development, scientific mining, eco-system and public, if it is felt that permission for mechanical excavation of minerals from the River or Stream Bed is necessary, the Director after having been satisfied that mechanical excavation of minerals shall not hamper the eco-system of the area by recording the reasons in writing, may grant by an order such permission on certain conditions as he deems fit. Lessee or contractor or permit holder, as the case may be, seeking such permission shall deposit a sum of Rupees 50,000/- (fifty thousand) as security. Any violation of term; and conditions imposed while granting such permission shall result in forfeiture of security.

(14) The Power Project Companies or promoters, as the case may be, shall not carry out any mining activity in the project areas falling in River or Stream Bed. Each project seeking mineral concession shall identify captive mining area different from the Project area falling in the River or Stream Bed for which mineral concessions after observing all codal formalities shall be granted. Each Power Project shall be liable to pay royalty for the use of various kinds of minerals as may be fixed by the Government from time to time :

Provided that in the exceptionally inevitable situations where such Project require extraction of sand from the River or Stream Bed falling in Project area, mineral concessions shall be granted with the prior approval of Government only."

4. नियम 28 का संशोधन उक्त नियमों के नियम 28 में, उप-नियम (4) के पश्चात् निम्नलिखित उप-नियम जोड़ा जाएगा, अर्थात् :

“(5) No mechanical mining through mechanical excavator including any other earth moving machines like JCB, Bulldozer, Pocklain, Loaders etc. shall be carried out in River or Stream Bed by the contractor :

Provided that where in the interest of mineral development, scientific mining, eco-system and public, if it is felt that permission for mechanical excavation of minerals from the River or Stream Bed is necessary, the Director after having been satisfied that mechanical excavation of minerals shall not hamper the eco-system of the area by recording the reasons in writing, may grant by an order such permission on certain conditions as he deems fit. Lessee or contractor or permit holder, as the case may be seeking such permission shall deposit a sum of Rupees 50,000/- (fifty thousand) as security. Any violation of terms and conditions imposed while granting such permission shall result in forfeiture of security.”.

5. नियम 36 का संशोधन.—उक्त नियमों के नियम 36 में, निम्नलिखित नियम जोड़ा जाएगा, अर्थात् :—

“36-A. If an application for the renewal of a mining lease is made within the time referred to in rule 18(2) alongwith all requisite documents and in observance of all codal formalities and not disposed of by the Government before the expiry of lease period, the Director by recording the reasons in writing may extend the lease period by an order for further one year or till Government passes order thereon, whichever is earlier.”.

7. प्ररूप ‘एफ’ का संशोधन.—इन नियमों से संलग्न प्ररूप एफ के भाग-II में, खण्ड 3 के पश्चात् निम्नलिखित खण्ड जोड़ा जाएगा, अर्थात् :

“4. Restriction on mechanical excavation in River or Stream Bed.—No mechanical mining through mechanical excavator including any other earth moving machines like JCB, Bulldozer, Pocklain, Loaders etc. shall be carried out in River or Stream Bed unless permitted by the Director under rule 21 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971.”.

8. प्ररूप ‘जे’ का संशोधन.—इन नियमों से संलग्न प्ररूप ‘जे’ में, खण्ड 11 के पश्चात् निम्नलिखित खण्ड जोड़ा जाएगा अर्थात् :—

“12. No mechanical mining through mechanical excavator including any other earth moving machines like JCB, Bulldozer, Pocklain, Loaders etc. shall be carried out in River or Stream Bed unless permitted by the Director under rule 26 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971.”.

9. प्ररूप ‘के’ का संशोधन. इन नियमों से संलग्न प्ररूप ‘के’ में, भाग-III में, खण्ड (24) के पश्चात्, निम्नलिखित खण्ड जोड़ा जाएगा, अर्थात् :

“RESTRICTION ON MECHANICAL EXCAVATION IN RIVER OR STREAM BEDS.

(24-A). No mechanical mining through mechanical excavator including any other earth moving machines like JCB, Bulldozer, Pocklain, Loaders etc. shall be carried

out in River or Stream Beds unless permitted by the Director under rule 28 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971."

सादेश द्वारा,

हस्ताक्षरित/-
प्रधान सचिव।

[Authoritative English text of this Department Notification No. Ind.-II (F)6-6/2004, dated 23-6-2005 as required under clause (3) of Article 348 of the Constitution of India].

INDUSTRIES DEPARTMENT

NOTIFICATION

Shimla, the 23rd June, 2005

No. Ind.-II(F)6-6/2004.—In exercise of the power conferred by sub-section (1) of section 15 of the Mines and Minerals (Development & Regulation) Act, 1957, the Governor, Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971, notified *vide* this department notification No. 13-3/70-SI, dated the 13th April, 1971 and published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated 5th May, 1971, namely :—

1. *Short title.*—These rules may be called the Himachal Pradesh Minor Minerals (Concession) Revised (Amendment) Rules, 2005.

2. *Amendment of rule 21.*—In rule 21 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971 (hereinafter referred to as the said rules), after sub-rule 2, the following sub-rule shall be inserted, namely :—

“(2-A). No mechanical mining through mechanical excavator including any other earth moving machines like JCB, Buldozer, Pocklain, Loaders etc. shall be carried out in River or Stream Bed by the lease holder or permit holder or contractor, as the case may be :

Provided that where, in the interest of mineral development, scientific mining, eco-system and public, if it is felt that permission for mechanical excavation of minerals from the Rivers or Stream Bed is necessary, the Director after having been satisfied that mechanical excavation of minerals shall not hamper the eco-system of the area, by recording the reasons in writing, may grant by an order, such permission on certain conditions as he deems fit. Lessee or contractor or permit holder, as the case may be, seeking such permission shall deposit a sum of Rupees 50,000/- (fifty thousand) as security. Any violation of terms and conditions imposed while granting such permission shall result in forfeiture of security.

(2-B). The Power Project Companies or promoters as the case may be, shall not carry out any mining activity in the project areas falling in River or Stream Bed. Each project seeking mineral concession shall identify captive mining area different from the project area falling in the River or Stream Bed for which mineral concessions after observing all codal formalities shall be granted. Each Power Project shall be liable to pay royalty for the use of various kinds of minerals as may be fixed by the Government from time to time :

Provided that in the exceptionally inevitable situations where such Projects require extraction of sand from the River or Stream Bed falling in Project area mineral concessions shall be granted with the prior approval of Government only."

3. *Amendment of rule 26.*—In rule 26 of the said rules, in sub-rule (b), after clause (12), the following clauses shall be added, namely :—

"(13). No mechanical mining through mechanical excavator including any other earth moving machines like JBC, Bulldozer, Pocklain, Loaders etc. shall be carried out in River or Stream Bed by the lease holder or permit holder or contractor, as the case may be :

Provided that where, in the interest of mineral development, scientific mining, eco-system and public, if it is felt that permission for mechanical excavation of minerals from the River or Streams Bed is necessary, the Director after having been satisfied that mechanical excavation of minerals shall not hamper the eco-system of the area, by recording the reasons in writing, may grant by an order, such permission on certain conditions as he deems fit. Lessee or contractor or permit holder as the case may be, seeking such permission shall deposit a sum of Rupees 50,000/- (fifty thousands) as security. Any violation of terms and conditions imposed while granting such permission shall result in forfeiture of security.

(14). The Power Project Companies or promoters, as the case may be, shall not carry out any mining activity in the project areas falling in River or Stream Bed. Each project seeking minerals concession shall identify captive mining area different from the Project area falling in the River or Stream Bed for which mineral concessions after observing all codal formalities shall be granted. Each Power Project shall be liable to pay royalty for the use of various kinds of minerals as may be fixed by the Government from time to time ;

Provided that in the exceptionally inevitable situations where such Projects require extraction of sand from the River or Stream Bed falling in Project area, mineral concessions shall be granted with the prior approval of Government only."

4. *Amendment of rule 28.*—In rule 28 of the said rules, after sub-rule 4, the following sub-rule shall be added, namely :—

"(5). No mechanical mining through mechanical excavator including any other earth moving machines like JBC, Bulldozer, Pocklain, Loaders etc. shall be carried out in River or Stream Bed by the contractor :

Provided that where, in the interest of mineral development, scientific mining, eco-system and public, if it is felt that permission for mechanical excavation of mineral from the River or Stream Bed is necessary, the Director after having been satisfied that mechanical excavation of minerals shall not hamper the eco-system of the area, by recording the reasons in writing, may grant by an order, such permission on certain conditions as he deems fit. Lessee or contractor or permit holder, as the case may be, seeking such permission shall deposit a sum of Rupees 50,000/- (fifty thousand as security. Any violation of terms and conditions imposed while granting such permission shall result in forfeiture of security."

5. *Amendment of rule 36.*—In rule 36 of the said rules, the following rule shall be added, namely:—

“36-A. If an application for the renewal of a mining lease is made within the time referred to in rule 18(2) alongwith all requisite documents and in observance of all codal formalities and not disposed of by the Government before the expiry of lease period, the Director by recording the reasons in writing may extend the lease period by an order for further one year or till Government passes order thereon whichever is earlier.”

6. *Amendment of Form ‘F’.*—In Form “F” appended to the said rules, in Part-II after clause 3, the following clause shall be added, namely:—

“4. **Restriction on mechanical excavation in River or Stream Bed.**—No mechanical mining through mechanical excavator including any other earth moving machines like JCB, Bulldozer, Pocklain. Loaders etc. shall be carried out in River or Stream Bed unless permitted by the Director under rule 21 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971.”

7. *Amendment of Form ‘J’.*—In Form “J” appended to the said rules, after clause 11, the following clause shall be added, namely:—

“12. No mechanical mining through mechanical excavator including any other earth moving machines like JCB, Bulldozer, Pocklain, Loaders etc. shall be carried out in River or Stream Bed unless permitted by the Director under rule 26 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971.”

8. *Amendment of Form ‘K’.*—In Form “K” appended to the said rules, in part-III after clause 24, the following clause shall be added, namely:—

“**RESTRICTION ON MECHANICAL EXCAVATION IN RIVER OR STREAM BEDS.**

(24-A). No mechanical mining through mechanical excavator including any other earth moving machines like JCB, Bulldozer, Pocklain, Loaders etc. shall be carried out in River or Stream Bed unless permitted by the Director under rule 28 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971.”

By order,

Sd/-
Principal Secretary.